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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/435,292	05/05/95	MATTHEWS	28724

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26M2/1113

EXAMINER

GREENING, W

ART UNIT

PAPER NUMBER

2604

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DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/435,292

Applicant(s)

J. Matthews III et al.

Examiner

Wendy R. Garber

Group Art Unit

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☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-38 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 13, 19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujitaka.

Fujitaka discloses a system which controls the scrolling of a list of items across a screen. Figure 10 shows one embodiment of the system. As can be seen there, the system has a "first control object" (the box surrounding Pg to Pi), and also displays a list of at least two items (items A, B, C). As can be seen in figure 10, the items at the border of the first control object are only partially displayed. The "first control object" is not "displayed" in that the viewer of the screen cannot see it. However, this is not a patentable distinction. It would have been obvious to the skilled artisan that a "box" could be placed around the control object so that the viewer would know where it is. This would make it more visible to the user and differentiate it more clearly from any background graphics displayed in the large area of the screen behind the list. Claim 19 is considered substantively equivalent to claim 1.

As for claim 13, Fujitaka discloses that the first control object extends only over a certain area of the screen (the "scroll section") which does not reach to the borders of the display screen.

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It would have been obvious to the skilled artisan to change the size of this scroll section of the total screen based upon how large the user wants it. For example, it may depend on how many items are in the list. The particular size of the scroll screen is not critical, as long as the method of scrolling is the same. Claim 31 is considered substantively equivalent to claim 13.

3. Claims 2-12, 15-18, 20-30 and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujitaka in view of Florin et al.

Regarding claim 2, Fujitaka is concerned with a method of scrolling a series of items across a screen. Fujitaka does not explicitly state that a user of the system may select any one item off of the list, although this can be presumed. Otherwise, there would be no reason to scroll through a series of items. Florin also discloses a system that it used to scroll through a list of items which are shown on a display. As shown in figure 12, Florin shows a list of items where the user can position a cursor (rectangle surrounding channel 11 in figure 12). This rectangle surrounding the item on the list is a "focus frame" which provides the user with a visual indication of on which item on the list the cursor is located. It would have been obvious to use such a cursor in the system disclosed by Fujitaka since the user must be able to differentiate the items on the list so that any one item can be selected or based upon whether they are selected by the user or not.

Regarding claim 3, Florin shows in figure 12 that the focus frame may be located over one item in the first control object which is box 220 in figure 12).

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As for claims 4-5 and 7, Florin states that the focus frame is "highlighted". While it is not entirely clear what this means, it is clear that "highlighted" means that the item over which the cursor is located appears different than the other items. It should be noted that Florin states on page It would have been obvious to have the highlighted item of a different color than the other items. This is a well-known method of differentiation which is well known to any user of a computer monitor, for example. As for magnifying the item over which the cursor is located, this, too, would have been an obvious method of drawing the user's attention to which item has been chosen. The manner of directing the user's attention to any one item of the list is not critical to the invention.

As for claim 6, figure 33 shows another method of selecting any one particular item from a :list" of items which can be scrolled through. As shown, when one of the items is selected by the user, a graphic (in the center panel) is displayed according to which item was selected.

Regarding claims 8-10, figure 12-13 of Flavin show that the items in the list can be scrolled through the focus frame. Also, the display includes visual indications (arrows at the top and bottom of the screen) to show that user that the list can be scrolled. Figure 18 shows an example of arrow appendages can be included with a focus frame.

Regarding claims 11-12, figure 12-13 show that the focus frame can be dynamic and shift relative to the items in the list so as to highlight different items in the list. However, doing the opposite would have been obvious to the skilled artisan. Keeping the focus frame fixed and moving the list items has the same exact effect as keeping the items fixed and moving the focus

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frame. As long as the items scroll through the focus frame so that the user may choose individual items, the manner of doing this is not critical.

As for claim 15, as stated above, Flavin discloses scrolling items through the focus frame until the desired item is located in the focus frame. Then, this item may be selected by the user (see the description of the "select button" on pages 45-46).

In regard to claim 16-18, as stated above, Flavin shows arrows at the top and bottom of the display. These can be considered a "second" and "third control object". Also, such control objects are well-known to any personal computer user.

Claims 20-30 are considered substantively equivalent to claims 2-12 discussed above. Claims 33-36 are considered substantively equivalent to claims 15-18 discussed above. Claim 33 includes the additional limitation of a remote control unit. Flavin shows such a unit in figures 4-5.

As for claims 37-38, as stated above, Flavin discloses a remote control unit (figures 4-5) which can be used to move between control objects.

4. Claims 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujitaka in view of Flavin and further in view of Young et al.

Flavin does not explicitly state that the first control object may display items in a two-dimensional grid. Young et al. also discloses a system for displaying groups of items among which a user can choose. As shown in figure 1, the items are displayed in a two-dimensional grid. This has the advantage of being able to display more information. For this reason, it would have

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been obvious to have the display in Flavin capable of displaying items in a two-dimensional grid.

Also, as discussed above, Fujitaka discloses that the items at the edge are shown only partially.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy Garber whose telephone number is (703) 305-4929. The examiner can normally be reached on Monday-Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

WRG
November 8, 1996


WENDY GREENING *garber*
PRIMARY EXAMINER
GROUP 2600